

I certify that the attached is a true and correct copy of H.B. 1328, which was filed of record on 2-23-81 and referred to the committee on: Judicial Affairs

FILED FEB 23 1981

Betty Murray
Chief Clerk of the House

By

Boch

H.B. No. 1328

A BILL TO BE ENTITLED

AN ACT

relating to the jurisdiction of the County Court at Law of Comal County.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2(a), Chapter 137, Acts of the 65th Legislature, Regular Session, 1977, as amended (Article 1970-368, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) The county court at law has the same jurisdiction over all causes and proceedings, civil and criminal, original and appellate, as is prescribed by the constitution and general laws of the state for county courts. The county court at law has jurisdiction concurrent with the district court in Comal County in juvenile matters and proceedings and in all civil and criminal matters and proceedings, original and appellate, for which jurisdiction was transferred from the county court to the district court by Chapter 35, Acts of the 18th Legislature, Regular Session, 1883. The county court at law has jurisdiction concurrent with the district court in eminent domain cases and in civil cases when the amount in controversy exceeds \$500 and does not exceed \$20,000, [~~\$10,000~~] exclusive of interest, as provided by general law. The county court at law does not have jurisdiction over causes and proceedings concerning roads, bridges, and public highways and the general administration of county business which is now within the jurisdiction of the commissioners court of Comal County.

1 SECTION 2. The importance of this legislation and the
2 crowded condition of the calendars in both houses create an
3 emergency and an imperative public necessity that the
4 constitutional rule requiring bills to be read on three several
5 days in each house be suspended, and this rule is hereby suspended,
6 and that this Act take effect and be in force from and after its
7 passage, and it is so enacted.

HOUSE COMMITTEE REPORT

1ST PRINTING

By Bock

H.B. No. 1328

Substitute the following for H.B. No. 1328:

By Smith of Harris

C.S.H.B. No. 1328

A BILL TO BE ENTITLED

AN ACT

relating to the imposition and use of certain filing fees and costs in and the jurisdiction of certain courts of Comal County.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. CREATION OF FUND. The juvenile placement special fund is created in the general fund of Comal County. The juvenile board in Comal County shall use this special fund to assist organizations providing housing facilities or treatment programs for juveniles as authorized by this Act.

SECTION 2. FEES IN CIVIL CASES. (a) For each civil suit filed in a district or statutory county court of Comal County, the clerk of the court shall collect from the person filing the suit at the time of filing a fee of \$4. The clerk of a justice court of Comal County shall collect from each person filing a civil suit in the justice court or small claims court a fee of \$1.50. A fee under this section is in addition to other fees imposed for filing a civil suit in a district, statutory county, justice, or small claims court of Comal County.

(b) The clerk collecting the fee shall keep separate records of the fees collected under this section and shall deposit the fees in the juvenile placement special fund.

SECTION 3. COSTS IN CRIMINAL CASES. (a) A person shall pay \$4 as a court cost, in addition to other court costs, on conviction in a district or statutory county court of Comal County of a

1 criminal offense defined by statute. A person convicted in a
2 justice court of Comal County of a criminal offense defined by
3 statute shall pay \$1.50 as a court cost, in addition to other court
4 costs imposed on conviction in the justice court.

5 (b) A court cost under this section is collected in the same
6 manner as other fines or costs.

7 (c) The officer collecting the costs in a district,
8 statutory county, or justice court case shall keep separate records
9 of the funds collected as costs under this section and shall
10 deposit the funds in the juvenile placement special fund.

11 SECTION 4. DISBURSEMENT OF FUNDS. (a) The juvenile board
12 in Comal County may direct the county treasurer for the county to
13 disburse money from the juvenile placement special fund to an
14 organization if the organization:

15 (1) is a nonprofit organization as defined by the Texas
16 Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's
17 Texas Civil Statutes);

18 (2) provides a temporary or permanent housing facility or
19 treatment program for delinquent children, children in need of
20 supervision, or children otherwise dependent, neglected, or in need
21 of care; and

22 (3) is approved by the board for the provision of housing
23 facilities or treatment programs for juveniles.

24 (b) The county treasurer for Comal County shall keep records
25 of the amount of funds on deposit in and the disbursements from the
26 juvenile placement special fund. The juvenile board in Comal
27 County may direct the treasurer to file reports on the status of

1 the special fund.

2 SECTION 5. Section 2(a), Chapter 137, Acts of the 65th
3 Legislature, Regular Session, 1977, as amended (Article 1970-368,
4 Vernon's Texas Civil Statutes), is amended to read as follows:

5 (a) The county court at law has the same jurisdiction over
6 all causes and proceedings, civil and criminal, original and
7 appellate, as is prescribed by the constitution and general laws of
8 the state for county courts. The county court at law has
9 jurisdiction concurrent with the district court in Comal County in
10 juvenile matters and proceedings and in all civil and criminal
11 matters and proceedings, original and appellate, for which
12 jurisdiction was transferred from the county court to the district
13 court by Chapter 35, Acts of the 18th Legislature, Regular Session,
14 1883. The county court at law has jurisdiction concurrent with the
15 district court in eminent domain cases and in civil cases when the
16 amount in controversy exceeds \$500 and does not exceed \$20,000,
17 [~~\$10,000~~] exclusive of interest, as provided by general law. The
18 county court at law does not have jurisdiction over causes and
19 proceedings concerning roads, bridges, and public highways and the
20 general administration of county business which is now within the
21 jurisdiction of the commissioners court of Comal County.

22 SECTION 6. TRANSITION. (a) Section 2 of this Act applies
23 only to civil cases filed in a district, statutory county, justice,
24 or small claims court of Comal County on or after this Act's
25 effective date.

26 (b) Section 3 of this Act applies only to convictions for
27 offenses committed on or after this Act's effective date. For

1 purposes of this subsection, an offense is committed on or after
2 the effective date of this Act if any element of the offense occurs
3 on or after the effective date.

4 SECTION 7. EFFECTIVE DATE. This Act takes effect September
5 1, 1981.

6 SECTION 8. EMERGENCY. The importance of this legislation
7 and the crowded condition of the calendars in both houses create an
8 emergency and an imperative public necessity that the
9 constitutional rule requiring bills to be read on three several
10 days in each house be suspended, and this rule is hereby suspended.

MAR 2 1981

House Bill 1328, relating to the jurisdiction of the County Court at Law of Comal County, was inadvertently referred to the Committee on Intergovernmental Affairs. The Chair, after consultation with the author and chairmen of the respective committees, now corrects the referral of House Bill 1328 to the Committee on Judicial Affairs.

COMMITTEE REPORT

The Honorable Bill Clayton
Speaker of the House of Representatives

5/8/81
(date)

Sir:

We, your COMMITTEE ON JUDICIAL AFFAIRS, to whom was referred HB 1328, have had the same under consideration and beg to report back with the recommendation that it (measure)

- () do pass, without amendment.
() do pass, with amendment(s).
(✓) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. () yes (✓) no

An author's fiscal statement was requested. (✓) yes () no

An actuarial analysis was requested. () yes (✓) no

The Committee recommends that this measure be placed on the (Local) or ~~(General)~~ Calendar.

This measure (✓) proposes new law.
() amends existing law.

House Sponsor of Senate Measure _____.

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Florence, Ch.	✓			
Hill, A., V.C.	✓			
Heatly, C.B.O.				✓
Allee	✓			
Gibson, B.	✓			
Gilley				✓
Lyon				✓
Luna	✓			
Moreno	✓			
Pennington	✓			
Smith, A.	✓			

Total
8 aye
0 nay
0 present, not voting
3 absent

Buck Florence
CHAIRMAN
Reynolds
COMMITTEE COORDINATOR

BILL ANALYSIS

BACKGROUND INFORMATION

The Juvenile Board of Comal County, which is composed of the judges of the 207th and 22nd Judicial Districts, and the county judge of Comal County, desire to establish a fund, the proceeds of which would be used to finance a treatment facility for juveniles in Comal County. At present there is no such facility.

Article 1970-368, V.T.C.S., contains provisions governing the jurisdiction of the county court at law of Comal County.

PURPOSE OF THE BILL

To impose and use certain filing fees and costs in certain courts in Comal County.

To change the jurisdiction in certain courts in Comal County.

SECTION-BY-SECTION ANALYSIS

Section 1: Creates the juvenile placement special fund in the general fund of Comal County. The juvenile board in Comal County shall use this special fund to assist organizations providing housing facilities or treatment programs for juveniles as authorized by this Act.

Section 2: Provides for a filing fee of \$4 for civil suits filed in a district or statutory county court of Comal County. It further provides for a fee of \$1.50 for civil suits filed in the justice court or small claims courts. Said fees are in addition to other fees imposed for filing a civil suit in a district, statutory county, justice, or small claims court of Comal County. Separate records shall be kept of the fees collected pursuant to this section and said fees shall be deposited in the juvenile placement special fund.

Section 3: Provides for the payment of \$4 as a court cost on conviction in a district or statutory county court of Comal County of a criminal offense defined by statute. It further provides for a payment of \$1.50 as a court cost on conviction of a criminal offense in a justice court of Comal County. Said costs are in addition to other court costs imposed on conviction in such courts. Provides for separate records and the deposit of funds collected as costs in the juvenile placement special fund.

Section 4: Provides for disbursement of funds collected herein to organizations if the organization is a nonprofit organization under the Texas Non-Profit Corporation Act (Article 1396-1.01, et seq, V.T.C.S.); provides a temporary or permanent housing facility or treatment program for delinquent children, children in need of supervision, or children otherwise dependent, neglected, or in need of care; and is approved by the board for the provision of housing facilities or treatment programs for juveniles.

It further provides for records to be kept.

Section 5: Amends Section 2(a), Chapter 137, Acts of the 65th Legislature, Regular Session, 1977, as amended (Article 1970-368, V.T.C.S.) to give the county court at law concurrent jurisdiction with the district court in eminent domain cases and in civil cases when the amount in controversy exceeds \$500 and does not exceed \$20,000 exclusive of interest, as provided by general law.

Section 6: Provides that the provisions of Section 2 of this Act apply only to civil cases filed in a district, statutory county, justice, or small claims court of Comal County on or after this Act's effective date. Section 3 applies only to convictions for offenses committed on or after this Act's effective date. An offense is committed on or after the effective date of this Act if any element of the offense occurs on or after the effective date.

Section 7: Effective date.

Section 8: Emergency clause.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not delegate rulemaking authority to a state officer, agency, department or institution.

SUMMARY OF COMMITTEE ACTION

On May 8, 1981, a formal meeting was held. On that date the full committee voted to report H.B. 1328 to the House in the form of a complete substitute and with the recommendation that it do pass and be placed on the local calendar by a record vote of 8 ayes and 0 nays.

COMPARISON OF ORIGINAL BILL TO SUBSTITUTE

The original bill contained only what is now Section 5 of the substitute.



The State of Texas House of Representatives

Bennie Bock II

State Representative, District 38
Caldwell / Comal / Guadalupe

Committees

Chairman, Environmental Affairs
Calendars
Health Services

April 7, 1981

The Honorable Buck Florence
Committee on Judicial Affairs
House of Representatives

Dear Buck:

In response to the request from your committee for an author's fiscal statement, this is to inform you that my House Bill 1328 does not involve the use of any county funds.

Sincerely,


Bennie Bock II

BB/hsr

San Antonio
658-2563

Box 2910 / Austin, Tx. 78769 • Box 591 / New Braunfels, Tx. 78130
(512) 475-5987 (512) 625-2221

Seguin
379-0110

THE STATE OF TEXAS
COUNTY OF COMAL

_____ known to me, who, being duly sworn, on his oath deposes and says that he is the

January 22, 1981

Signed

Notary Public, ~~Comal County~~, Texas

Publisher's Fees \$ 79.80

PUBLIC NOTICE

Pursuant to Article 3; 16, Section 57; 59(d), Constitution of Texas, Notice is hereby given that I, Bennie Bock II, State Representative, District No. 38, shall apply to the 1981 Regular Session of the 67th Legislature of the State of Texas for the passage of a local law relating to: "Increasing the Jurisdiction limits of Civil cases to be heard in the County Court-At-Law, Comal County, Texas to \$20,000".

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SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

c1-22-22

ADOPTED

MAY 15 1966

Levy Murray
Chief Clerk
House of Representatives

By Bock

H.B. No. 1328

Substitute the following for H.B. No. 1328:

By Ashley Smith

C.S.H.B. No. 1328

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1 criminal offense defined by statute. A person convicted in a
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20 general administration of county business which is now within the
21 jurisdiction of the commissioners court of Comal County.

22 SECTION 6. TRANSITION. (a) Section 2 of this Act applies
23 only to civil cases filed in a district, statutory county, justice,
24 or small claims court of Comal County on or after this Act's
25 effective date.

26 (b) Section 3 of this Act applies only to convictions for
27 offenses committed on or after this Act's effective date. For

1 purposes of this subsection, an offense is committed on or after
2 the effective date of this Act if any element of the offense occurs
3 on or after the effective date.

4 SECTION 7. EFFECTIVE DATE. This Act takes effect September
5 1, 1981.

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7 and the crowded condition of the calendars in both houses create an
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ENGROSSED
THIRD READING

By Bock

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10 days in each house be suspended, and this rule is hereby suspended.

(Snelson)

COMMITTEE REPORT FORM

MAY

27

Austin, Texas

Date of report to Senate

Honorable William P. Hobby
President of the Senate

Sir:

We, your Committee on INTERGOVERNMENTAL RELATIONS to which was referred
H. B. No. 1328 have had the same under consideration, and I am instructed to report it back to the Senate
with the recommendation that it do pass and be printed.


Chairman JOHN A. TRAEGER

Paper clip the original and one copy of this form to the original bill and retain one copy for your file.

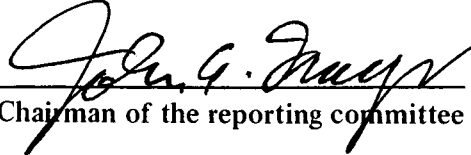
Local Calendar

**REQUEST FOR LOCAL & UNCONTESTED CALENDAR
PLACEMENT**

**Hon. Roy Blake, Chairman
Administration Committee**

Sir:

Pursuant to S.R. 148, notice is hereby given that HB 1328, by: Bock (Snelson)
was heard by the Committee on Intergov. Relations on May 26, 1981,
and reported out with the recommendation that it be placed on the Local and Uncontested
Calendar.


Chairman of the reporting committee

**IMPORTANT: THIS FORM MUST BE ATTACHED TO A PRINTED COPY OF THE BILL
OR RESOLUTION, WHICH ALONG WITH 7 ADDITIONAL COPIES OF THE BILL OR
RESOLUTION SHOULD BE DELIVERED TO THE OFFICE OF THE COMMITTEE ON
ADMINISTRATION, ROOM G-27J. PLEASE CALL 5-1134 IF YOU HAVE ANY
QUESTIONS. DEADLINE FOR SUBMITTING BILLS FOR THE LOCAL CALENDAR IS
5:00 P.M. MONDAYS.**

Attach white copy of this form to original bill; yellow copy to Reporting Committee; pink copy to Sponsor

F

ENROLLED

H.B. No. 1328

1 AN ACT

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14 1883. The county court at law has jurisdiction concurrent with the
15 district court in eminent domain cases and in civil cases when the
16 amount in controversy exceeds \$500 and does not exceed \$20,000,
17 [~~\$10,000,~~] exclusive of interest, as provided by general law. The
18 county court at law does not have jurisdiction over causes and
19 proceedings concerning roads, bridges, and public highways and the
20 general administration of county business which is now within the
21 jurisdiction of the commissioners court of Comal County.

22 SECTION 6. TRANSITION. (a) Section 2 of this Act applies
23 only to civil cases filed in a district, statutory county, justice,
24 or small claims court of Comal County on or after this Act's
25 effective date.

26 (b) Section 3 of this Act applies only to convictions for
27 offenses committed on or after this Act's effective date. For

1 purposes of this subsection, an offense is committed on or after
2 the effective date of this Act if any element of the offense occurs
3 on or after the effective date.

4 SECTION 7. EFFECTIVE DATE. This Act takes effect September
5 1, 1981.

6 SECTION 8. EMERGENCY. The importance of this legislation
7 and the crowded condition of the calendars in both houses create an
8 emergency and an imperative public necessity that the
9 constitutional rule requiring bills to be read on three several
10 days in each house be suspended, and this rule is hereby suspended.

H.B. No. 1328

President of the Senate

Speaker of the House

I certify that H.B. No. 1328 was passed by the House on May 15, 1981, by the following vote: Yeas 145, Nays 1, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1328 was passed by the Senate on May 31, 1981, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

H. B. No. 1328

By Bock

A BILL TO BE ENTITLED
AN ACT

relating to the jurisdiction of the County Court at Law of
Comal County.

FEB 23 1981

1. Filed with the Chief Clerk.

FEB 25 1981

2. Read first time and Referred to Committee on

MAR 2 1981

~~Intergovernmental Affairs~~
Re-referred to Committee on JUDICIAL AFFAIRS MAY 11 1981

MAY 8 1981

3. Reported favorably (~~amended~~)
(as substituted) and sent to Printer at 10:50 am

MAY 11 1981

4. Printed and distributed at 1:47 pm

MAY 11 1981

5. Sent to Committee on Calendars at Local 2:30 pm

MAY 15 1981

6. Read second time (~~amended~~); passed to third reading (~~failed~~) by subs. (Non-Record Vote)
(Record Vote of years, nays, present, not voting).

7. Motion to reconsider and table the vote by which H.B. was ordered
engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of years,
 nays, and present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed
to suspend) by a four-fifths vote of years, nays, and
present, not voting.

MAY 15 1981

9. Read third time (~~amended~~); finally passed (~~failed~~) by (Non-Record Vote) (Record Vote
of 145 yeas, 1 nays, 2 present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. was finally passed
prevailed (failed) by a (Non-Record Vote) (Record Vote of yeas,
nays, and present, not voting).

MAY 15 1981

12. Ordered Engrossed at 2:56 pm

MAY 15 1981

13. Engrossed.

MAY 15 1981

14. Returned to Chief Clerk at 6:18 pm

MAY 18 1981

15. Sent to Senate.

Betty Murray

Chief Clerk of the House

MAY 18 1981

16. Received from the House

MAY 18 1981

17. Read, referred to Committee on INTERGOVERNMENTAL RELATIONS

MAY 27 1981

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read
first time.

20. Ordered not printed.

21. Regular order of business suspended by

(a viva voce vote.)

(yeas, nays.)

22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

MAY 31 1981

Laid before Senate
23. Read second time _____ passed to third reading by:
(viva voce vote.)
_____ yeas, _____ nays.)

24. Caption ordered amended to conform to body of bill.

MAY 31 1981

25. Senate and Constitutional 3-Day Rules suspended by vote of 30 yeas,
0 nays to place bill on third reading and final passage.

MAY 31 1981

26. Read third time and passed by
(a ~~viva voce vote~~)
(30 yeas, 0 nays.)

OTHER ACTION:

OTHER ACTION:

Betty King
Secretary of the Senate

MAY 31 1981

27. Returned to the House.

MAY 31 1981

28. Received from the Senate (~~with amendments.~~)
(~~reconstituted.~~)

29. House (Concurred) (Refused to Concur) in Senate (Amendments) (Substitute) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

30. Conference Committee Ordered.

31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

MAY 31 1981

32. Ordered Enrolled at 4:20 p

1981 MAY 11 PM 1:47